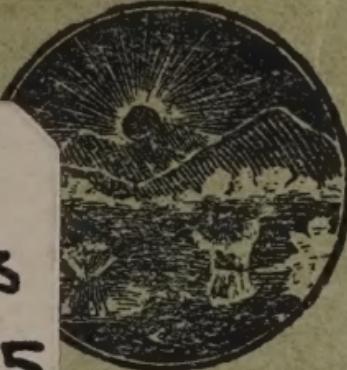
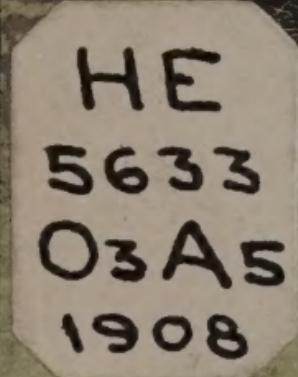


STATE OF OHIO

Automobile Law

Approved May 11, 1908

In force on and after June 10, 1908



AUTOMOBILE DEPARTMENT

CARMI A. THOMPSON
SECRETARY OF STATE
COLUMBUS, OHIO

Ohio. Laws, statutes, etc.

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1908

(Senate Bill No. 425)

AN ACT

To provide for the registration, identification and regulation of motor vehicles.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor bicycles, motor cycles, motor trucks or drays used exclusively for commercial purposes, road rollers, traction engines, fire engines, police patrol wagons, ambulances and such vehicles as run only upon rails or tracks.

Motor vehicle defined.

SECTION 2. The term "local authorities" shall include all officers of counties, cities, villages or towns, as well as all boards, commit-

Local authorities.

tees, and other public officials of such counties, cities, villages or towns.

Chauffeur.

SECTION 3. The term "chauffeur" shall mean any person operating a motor vehicle for hire, or as the employee of the owner thereof.

State.

SECTION 4. The term "state" as used in this act, except where otherwise expressly provided, shall include the territories and the federal districts of the United States.

Owner of.

SECTION 5. The term "owner of" or "person hereafter acquiring" shall include any person renting a motor vehicle or the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days.

Annual application.

SECTION 6. Every owner of a motor vehicle or vehicles, which shall be operated or driven upon the public roads or highways of this state, shall annually for each motor vehicle owned or acquired, except as herein otherwise provided, cause to

be filed by mail or otherwise, upon the payment of a registration fee of five dollars for such gasoline or steam motor vehicle, and a registration fee of three dollars for each electric motor vehicle, in the office of the secretary of state, an application for registration, containing,

Fees, gasoline
or steam \$5.00,
Electric \$3.00.

A brief description of the vehicle to be registered, including the name of the manufacturer, the manufacturer's number of the motor vehicle, if number there be, the character of the motor power, and the amount of such motor power stated in figures of horse power.

Application,
what to contain.

The name and address of the owner of such motor vehicle, and the name of the county of the state in which he resides..

But any person to whom an annual 1908 license has been issued by any municipality of this state prior to the time when this act shall take effect, shall be exempt from the provisions of sections 6, 7, 8, 9, 10 and 11

Municipal
license, effect
of.

of this act up to and until January 1, 1909.

Duty of Secy. of State, as to assigning numbers, etc.

SECTION 7. Upon the filing in the office of the secretary of state of an application as hereinbefore provided, the secretary of state or his duly authorized agent shall assign to such motor vehicle as described in such application a distinctive number, and shall issue to the owner of such motor vehicle, as it is described in the application filed, a certificate of registration, which certificate shall be in form of a card, which may be carried in the pocket and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and the address of the owner, a brief description of such motor vehicle, stating the name of the manufacturer, the manufacturer's number, if number there be, the character of the motor power, and the amount of such motor power stated in figures of horse power.

SECTION 8. Upon the receipt of an application for registration of a motor vehicle as hereinbefore provided the secretary of state shall thereupon file such application in his office, and register such motor vehicle, with the name and address of the owner thereof, and the facts stated in the application, in a book or index to be kept for the purpose, under the distinctive number and identification mark assigned to such motor vehicle by the secretary of state, and issue to the applicant a certificate as hereinbefore provided. The original book or index in which the motor vehicles are registered as hereinbefore provided, shall be kept in the office of the secretary of state, and shall be open to the inspection of any person during reasonable business hours. An exact, full and accurate list of registered motor vehicles and their owners, shall be furnished by the secretary of state to the clerk of every county in the state, and such Record; what to contain.

List, furnished
to county
clerks monthly.

lists shall be kept as public records, in books to be furnished by the secretary of state, in the office of each county clerk, and the secretary of state shall further furnish to the county clerk of each county, once each month, copies of the additional applications for registration received, which shall be entered by the county clerk on the list kept by him as hereinbefore provided.

SECTION 9. That every motor vehicle, registered in accordance with the provisions of this act, shall have the distinctive number and registration mark assigned to it by the secretary of state and furnished by the secretary of state, in accordance with the provisions of section 10 hereof, as hereinbefore provided, displayed on the front and rear of such motor vehicle, as an identification mark, securely fastened, so as not to swing.

Placard, front
and rear.

Description of
placard.

SECTION 10. That such distinctive number as an identification mark shall consist of a blue placard, as

the background, upon the face of which shall appear the distinctive number assigned to such motor vehicle as hereinbefore provided in white Arabic numerals, such numerals to be not less than four inches long, nor each stroke less than one-half inch in width, such number to be followed on the placard by the initial or abbreviation of the name of this state in white letters, each letter to be at least two inches in height, and each stroke to be at least one-half an inch in width.

SECTION 11. That in the case of a manufacturer or dealer in motor vehicles such manufacturer or dealer shall make application for registration in the same manner as hereinbefore provided, of each gasoline, steam, electric or other make of motor vehicle manufactured or dealt in by such manufacturer or dealer, whereupon, upon the payment of a registration fee of ten dollars (\$10.00) there shall be assigned to such style or

Manufacturers,
regulations as
to.

Registration
fee \$10.00.

type of motor vehicle a distinctive number as an identification mark, which shall be carried and displayed by every motor vehicle of such style or type registered in the same manner as hereinbefore provided, while such vehicle is being operated on the public highway, and until such vehicle shall be sold or let for hire, and there shall be issued to such manufacturer or dealer a certificate of registration as hereinbefore provided for each gasoline, steam, electric or other make of motor vehicle, and as many certified copies thereof as may be desired, upon the payment of a fee of two dollars (\$2.00) for each such copy.

Certified copies.

Brakes and alarm devices.

SECTION 12. Every motor vehicle operated and driven upon the public roads or highways of this state shall be provided with adequate brakes sufficient to control the vehicle at all times and a suitable and adequate bell, horn or other device for signalling, and shall during the period from thirty minutes

after sunset to thirty minutes before sunrise, display three white lights, two on the front and one on the rear of each motor vehicle, the rays of which rear lamp shall shine upon and illuminate each and every part of the aforesaid distinctive number borne upon that part of the motor vehicle, the light of which front lamps shall be visible at least two hundred feet in the direction in which said motor vehicle is proceeding, and every motor vehicle shall also display, in addition to the foregoing, a red light on the rear thereof.

SECTION 13. The provisions of the foregoing sections shall not apply to motor vehicles owned by non-residents of this state, provided that the owners thereof shall have complied with the provisions of the law of the state of their residence in regard to motor vehicles, and shall comply with such law while operating and driving a motor vehicle upon the public roads or high-

Non-residents.

ways of this state: Provided, however, that the foregoing sections of this act are substantially in force as law in the state of the residence of the owner of such motor vehicle, otherwise all provisions of this act shall apply.

SECTION 14. No person shall operate a motor vehicle on the public roads or highways of this state at a rate of speed greater than is reasonable or proper, having regard to width, traffic and the use of the highway and the general and usual rules of the road or so as to endanger the property or life or limb of any person, or the safety of any property.

SECTION 15. In no event shall any automobile, motor cycle or other motor vehicle be operated at a greater rate of speed than 8 miles an hour in the business and closely built up portions of any municipality in this state, no more than 15 miles an hour in the other portions of such municipalities, no more than 20 miles an hour outside of such munic-

Speed.

Speed limits,
specified.

ipalities, which rates of speed shall not be diminished nor prohibited by any ordinance, rule or regulation of any municipality, board or other public authority, but municipalities may by ordinance define what are the business and closely built up portions of such municipalities.

SECTION 16. Any operator of a motor vehicle, upon meeting or overtaking a horse-drawn vehicle, or person on horseback, shall slow down and stop said motor vehicle when signalled so to do and shall remain in such condition until said horse-drawn vehicle or person on horseback, shall have safely passed.

Provided, however, that such signal to stop shall be given in good faith and under the necessity of the circumstances, and only so often and for such length of time as shall be required to permit said vehicles to safely pass, whether approaching from the front or the rear. In case of accident to a per-

Duty when meeting horse-drawn vehicle.

Accidents, vehicle to stop, in case of.

son or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle, shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Chauffeurs, regulations as to.

SECTION 17. Every person hereafter desiring to operate a motor vehicle as a chauffeur, shall file in the office of the secretary of state, upon the payment of the registration fee of two dollars (\$2.00) an application for registration which shall state: The name and address of the applicant, and that he is competent to operate a motor vehicle; the trade name and the kind of motor power of the vehicles or vehicle he is competent to operate; and whether or not the applicant has ever been previously convicted of a violation of any of the provisions of this act, giving the date and place of such con-

Application, what to specify.

viction, and the provisions of this act violated, if any.

SECTION 18. Upon receipt of such an application, the secretary of state shall thereupon file the same in his office in a book or index, which shall be kept in the same manner as the book or index for the registration of motor vehicles, as hereinbefore provided, and the secretary of state shall forward a list of such registered chauffeurs, and such additions thereto, as shall be made from time to time, to the county clerk of every county in the state, in the same manner as hereinbefore provided in the case of registered motor vehicles, and such list shall be kept as public records in the county clerk's office in every county in the state.

Record, same
as motor ve-
hicles.

Lists, furnished
to county
clerks.

SECTION 19. The secretary of state shall forthwith, upon the registration of such chauffeur, as hereinbefore provided, issue to such chauffeur a badge of aluminum or other suitable metal

Badge; de-
scription of

which shall be oval in form and the greater diameter of which shall not be more than two inches; and such badge shall have stamped thereon the words, "Registered Chauffeur No.....; State of Ohio,;" with the registration number inserted thereon, which badge shall thereafter be worn by such chauffeur, fastened upon his clothing in a conspicuous place at all times, while he is operating a motor vehicle upon the public roads or highways of this state.

**Badge to be
worn by legal
owner, only.**

SECTION 20. No chauffeur having registered as hereinbefore provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle upon the public roads or highways of this state wear any chauffeur's badge, belonging to another person, fictitiously representing himself to be a registered chauffeur.

**Time for com-
pliance, limited.**

SECTION 21. No person shall operate a motor ve-

hicle as a chauffeur on the public roads or highways of this state, subsequently to thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section; provided, however, that a non-resident chauffeur, who has registered under the provisions of the law of the state of his residence, which are substantially similar to the provisions of this section, shall be exempt from registration under this section; provided, however, that he wear a badge assigned to him in the state of his residence, in the same manner as hereinbefore provided, and comply with all the other provisions of this section.

SECTION 22. No chauffeur or other person shall drive or operate or cause to be driven or operated, any motor vehicle upon any public road or highway of this state in the absence of the owner of such motor ve-

Non-resident.
Chauffeur must have written consent of owner.

hicle, without such owner's written consent.

SECTION 23. No local authority shall have any power to make any ordinance, by-law or resolution regulating the speed of motor, provided, however, that local authorities may set aside for a given time a specific public highway for speed tests or races.

Speed tests or races.

SECTION 24. The violations of sections 6, 9, 11 and 12 of this act shall be punishable by a fine not exceeding twenty-five dollars (\$25.00) for a first offense, by a fine not less than twenty-five dollars (\$25.00) and not exceeding fifty dollars (\$50.00) for a second offense, and by a fine not less than fifty dollars (\$50.00), and not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty days for a third and subsequent offense.

SECTION 25. Any violation of sections 14, 15 and 16 of this act shall be deemed prima facie evidence of a

Penalties
(owner, m'fr,
or chauffeur).

misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25.00) for a first offense, and by a fine not less than twenty-five dollars (\$25.00) and not exceeding fifty dollars (\$50.00) for a second offense, and by a fine not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty days for a third offense, and for or any subsequent offense, within one year, imprisonment for not less than ten days, nor more than thirty days.

Penalties
(owner, m'f'r,
or chauffeur).

SECTION 26. Any person operating or driving a motor vehicle on the highways of this state, which shall display thereon a distinctive number or identification mark, belonging to any other motor vehicle or one which is fictitious, shall be deemed guilty of a misdemeanor, which shall be punishable by a fine of twenty-five dollars (\$25.00) for a first offense and for any subsequent offense by a fine

Displaying
false placard,
penalty.

not less than fifty dollars (\$50.00) or more than three hundred dollars (\$300.00) or imprisonment for sixty days or both.

SECTION 27. Any violation of section 17, of this act, by a person not registered as a chauffeur, as hereinbefore provided, shall be punishable by a fine of not more than fifty dollars (\$50.00) or the suspension of the right to apply for registration as a chauffeur, under this act, for one year or both, and for a subsequent or second offense by a fine of not more than one hundred dollars (\$100.00) and in addition to the suspension of the right to apply for registration as a chauffeur for a time not less than one year or more than two years.

SECTION 28. Any violation of sections 19, 20 or 21 of this act, by a chauffeur, registered as hereinbefore provided, shall be punishable by a fine not exceeding fifty dollars (\$50.00), or by the suspension of the right

**Penalties
(chauffeur).**

**Penalties
(chauffeur).**

to operate a motor vehicle as a chauffeur under the provisions of this act for a period of six months or both, and for a second or subsequent offense by a fine of not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) and in addition the suspension of the right to operate a motor vehicle as a registered chauffeur under the provisions of this act for one year, and for such further time as shall be fixed by the trial court.

SECTION 29. Any violation of sections 14, 15 and 16 of this act by a registered chauffeur shall be a misdemeanor and punishable as provided in section 25 and in addition thereto a suspension of the right to operate a motor vehicle as a registered chauffeur as hereinbefore provided for thirty days for a second offense and for a period of not less than one year for a third offense, in which case the registration of such chauffeur.

**Penalties
(chauffeur).**

feur shall become null and void.

SECTION 30. Any person violating any of the provisions of section 22 of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding two hundred dollars (\$200.00) or imprisonment for a period not exceeding six (6) months or both in the discretion of the court.

SECTION 31. Upon the conviction of any person for a violation of any of the provisions of this act, the magistrate or other judicial officer, before whom the proceedings are held shall immediately certify the facts of the case and the character of the punishment to the secretary of state, who shall enter the same, in the case of an owner or chauffeur either in the indices of registered motor vehicles or registered chauffeurs as the case may be, opposite the name of the person convicted, as in the case of any other person, in an index of

Penalties
(persons, other
than owner).

Magistrate's
certificate to
Secy. of State.

offenders to be kept for such purpose, in alphabetical order. The secretary of state shall then send notice of the conviction and the punishment of all such persons, whether owners, chauffeurs, or other persons to the county clerk of every county in the state, who shall enter the same upon the lists of registered motor vehicles or registered chauffeurs as the case may be, which are kept by him as hereinbefore provided, or upon a list of other offenders which he shall maintain in his office as a public record in the same manner as the registered lists of motor vehicles or chauffeurs as hereinbefore provided for, and shall furnish copies of such lists to the magistrates or other judicial officers of his county by whom the offenses against the provisions of this act are punishable.

Notice to
county clerks.

SECTION 32. In case any person shall be taken into custody because of any violation of any of the provisions of this act, he shall

I m m e d i a t e
hearing, pris-
oner entitled
to.

Undertaking;
how secured.

forthwith be taken before any magistrate or justice of the peace in any city or village or county, and be entitled to an immediate hearing; and if such hearing cannot be had be released from custody on giving his personal undertaking to appear in answer for such violation at such time or place as shall then be indicated, secured by a deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, and in case the person taken into custody is not the owner, by leaving the motor vehicle with a written consent given at the time by the owner, who must be present, with such judicial officer; or in any case such judicial officer is not accessible be forthwith released from custody by giving his name and address to the person making the arrest and depositing with such arresting officer a sum

equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, in case the person arrested is the owner by leaving the motor vehicle, and in case the person is not the owner; by leaving the motor vehicle with a written consent given at the time by the owner who must be present; provided, that in such case the officer making the arrest shall give a receipt in writing for such sum or vehicle deposited and notify such persons to appear before the most accessible magistrate, naming him, specifying the date, place and the hour.

Officer's receipt.

In case such undertaking with security or deposit shall not be made by an owner or other person taken into custody, the provisions of law in reference to bail **Bail.** in cases of misdemeanors shall apply.

SECTION 33. The revenues derived from the registration fees provided for herein shall be applied by the secretary of state to-

Revenues;
disposition of.

ward defraying the expenses incident to the carrying out and enforcement of the provisions of this act, and any surplus thereof shall be paid by the secretary of state into the state treasury, monthly. All actions for injury to the person or property caused by the negligence of the owner of any automobile included within the provisions of this act, may be brought by the party injured against the owner of such automobile in the county wherein such injured party resides. In case such action is begun, a summons against any defendant or defendants shall be issued to the sheriff of any county within the state of Ohio, wherein such defendant or defendants reside, to be served upon such defendant or defendants, as in other civil actions, any law to the contrary providing for the service of summons in civil actions notwithstanding.

Actions; where to be brought.

Moneys; used for public roads.

SECTION 34. All moneys coming into the state treasury, pursuant to this sec-

tion, shall be there maintained as a separate fund for the improvement, maintenance and repair of the public roads and highways of this state, and shall be apportioned as the state highway fund is apportioned by law.

SECTION 35. This act shall be known as the "Automobile Law," and shall take effect and be in force from and after thirty days after its approval by the governor.

SECTION 36. That section 3490 of the Revised Statutes be amended so as to read as follows:

Sec. 3490. All persons driving carriages or vehicles of any description on any public turnpike, road or highway of this state, shall, on meeting carriages or vehicles of any description keep to the right so as to leave half of the road free, and all persons riding on horseback, or on bicycle, tricycle, tandem bicycle, locomobile, automobile, or motor vehicle, shall, on meeting

Roads; provisions as to vehicles meeting thereon.

carriages or vehicles of any description, keep to the right so as to leave two-thirds of the road free.

SECTION 37. That section 3490 approved April 23, 1904, and an act entitled, "An act to compel owners and operators of motor vehicles to register with the secretary of state," passed April 2d, 1906, be and the same are hereby repealed.



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